

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)**

LUMBERMENS MUTUAL CASUALTY COMPANY *

Plaintiff *

Case No: CCB 03-CV-70

v. *

KEWAL KHATTA AND MEENAKSHI KHATTA *

Defendants *

* * * * *

MOTION FOR JUDGMENT BY DEFAULT

Plaintiff, Lumbermens Mutual Casualty Company, pursuant to the provisions of Federal Rule of Civil Procedure 55 and by undersigned counsel, hereby moves this Court for judgment by default against Defendants Meenakshi Khatta and Kewal Khatta, ("the Defendants") in the amount of \$1,621,874.10, and in support, says as follows:

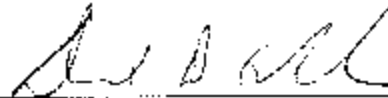
1. Plaintiff filed the Complaint in this matter on or about January 8, 2003. The Defendants were served with the Summons and Complaint on January 27, 2003 by personal service.
2. The Defendants have failed to file responsive pleadings within twenty (20) days of service.
3. This lawsuit was filed by the Plaintiff to recover damages incurred by the Plaintiff as a result of its execution of certain surety bonds. As alleged in the Complaint, the Defendants are obligated under the Agreement of Indemnity to exonerate, indemnify, and hold the Plaintiff

harmless from claims, losses, and expenses, including attorneys' fees, incurred as a result of the Surety's issuance of the surety bonds on behalf of Kaywell Corporation.

4. The amount due and owing the Plaintiff by the Defendants is \$1,621,874.10.
5. The Defendants are not in the military.

WHEREFORE, for all of the foregoing reasons, Plaintiff is entitled to the entry of judgment by default against Defendants Meenakshi Khatta and Kewal Khatta, in the amount of \$1,621,874.10.

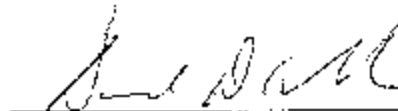
Respectfully submitted,



David D. Gilliss
Federal Bar No. 05174
NILES, BARTON & WILMER, LLP
111 South Calvert Street, Suite 1400
Baltimore, Maryland 21202-6185
410-783-6300
**Attorneys for Plaintiff,
Lumbermens Mutual Casualty Company**

AFFIDAVIT

David D. Gilliss, being duly sworn according to law, deposes and says that the facts contained in the foregoing Motion for Judgment by Default are true and correct.



David D. Gilliss

DATED: April 21, 2003

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 24th day of April, 2003 a copy of the foregoing

Motion for Judgment by Default was mailed, postage prepaid, to:

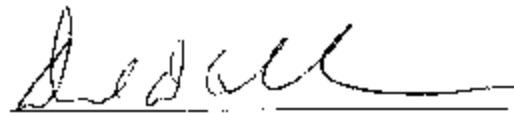
Kewal Khatta
12507 Marlow Road
Fulton, MD 20759-9779

and

Meenakshi Khatta
12507 Marlow Road
Fulton, MD 20759-9779

and

Cary J. Hansel III, Esquire
6404 Ivy Lane, Suite 400
Greenbelt, MD 20770



David D. Gilliss